

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SABR A. SALIK,)	
)	
Petitioner,)	
)	
v.)	No. 4:05CV841(FRB)
)	
CITY OF ST. LOUIS,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court upon the application of Sabr A. Salik for leave to commence this action without payment of the filing fee [Doc. #2]. See 28 U.S.C. § 1915(a). Also before the Court is petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 [Doc. #1]. Because petitioner has insufficient funds to pay the filing fee, the Court will grant petitioner leave to proceed in forma pauperis. Upon review of the petition, however, the Court finds that it should be dismissed.

The petition

Liberalley construing the complaint and attached exhibits, it appears that petitioner is a pre-trial detainee awaiting trial on criminal charges pending against him in state court. Petitioner contends that the state trial court has denied him equal protection and due process of law in connection with various pre-trial rulings.

Discussion

Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 should be dismissed. First, 28 U.S.C. § 2254 requires that petitioner exhaust his available state remedies before seeking federal habeas relief. See 28 U.S.C. § 2254(b)(1). Although petitioner has checked the box on the form application stating that he has appealed the adverse rulings of the state trial court, his accompanying text clearly indicates that he has only presented his claims to the state trial court and that he has not presented his claims to the state appellate or supreme courts. Second, public policy strongly discourages federal court interference with state criminal proceedings - even when intervention is sought by means of an application for a federal writ of habeas corpus. See Davis v. Muellar, 643 F.2d 521, 525 (8th Cir. 1981). Therefore, the instant petition should be dismissed, without prejudice, because petitioner has failed to exhaust his available state remedies.

In accordance with the foregoing,

IT IS HEREBY ORDERED that petitioner's motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED**.

An appropriate order shall accompany this memorandum
and order.

Dated this 13th day of October, 2005.


UNITED STATES DISTRICT JUDGE